

REMARKS

The Examiner in charge of the above-identified application, Ms. Patricia Engle is thanked for the courtesies extended during the course of the personal interview conducted on September 14, 2004. During the course of this interview, the undersigned was given the opportunity to explain the invention and the differences thereof with respect to the prior art. Based upon these discussions, it is believed that the application will be given full reconsideration in view of the interview discussions and the following remarks which include arguments as suggested in the Examiner Interview Summary Record. The following remarks also address each of the points raised in the Office Action.

Responsive to the objection to the Oath or Declaration, it is unclear to the undersigned as to the error of citizenship for inventor, Robert Oggianu as both the Application Data Sheet and Declaration copies we have in our records both reflect that he is a citizen of Germany.

Responsive to the objection to the drawings, submitted herewith is a set of new formal drawings with the section lines as requested. The Examiner is correct that line B-B in Figure 10 should be line VIII-VIII, although the vehicle central plane B-B (Figure 4; paragraph [0038] would extend in the same area.

Responsive to the objection to Claims 1-34, each of the objections have been addressed by appropriate amendments of the claims.

Responsive to the rejection of Claims 1-34 under 35 U.S.C. § 112, second paragraph, Claim 1 has been amended to delete the “and center tunnel” and the “building” in Claim 9 has been changed to -- vertical -- with an appropriate conforming amendment to the specification so as to agree with the drawings.

All of the amendments that have been made to the claims are directed at formal matters and are not intended to be claim scope changing or limiting.

The indication of allowability of the subject matter of Claims 10-17, 19-22, 24, 26, 34, and 38-40 is noted. Since, for reasons presented herein and discussed at the interview, parent claims to these claims should likewise be allowable, these claims have not been rewritten in independent form at this time.

The rejection of Claims 1-9, 18, 23, 25, 27-33, and 35-37 under 35 U.S.C. § 103(a) as being unpatentable over Srock et al. ‘329 in view of Clausen et al. ‘776 is hereby traversed and reconsideration thereof is respectfully requested. Each of the independent claims require a beam structure including a rigid tubular frame installed at the passenger compartment facing side of the dash board, where said tubular frame is connected with at least the dash board and the A-columns. This rejection requires a modification of the Srock et al ‘329 Patent to include these rigid tubular frame features at the passenger compartment facing side of the dash board. It is respectfully submitted that, although Clausen et al. ‘776 does relate to a tubular frame assembly for an automobile body, it does not include any suggestions that would lead one skilled

in the art to place a tubular frame assembly at the passenger side of the dash board (or as mentioned in the Examiner Interview Summary Record, the firewall). Indeed, Clausen et al. '776 specifically refers to the cross member 4 to delimit the engine area 5 from a passenger space 6 of the vehicle, without including any suggestions as to positioning the tubular arrangement at the passenger side of a vehicle dash board. Furthermore, there is no disclosure in Clausen et al. '776 which suggests anything other than positioning the cross member 4 at the engine side of any vehicle dash board that might be contemplated. Accordingly, it is submitted that one skilled in the art would not have been motivated by Clausen et al. '776 to make the modifications necessary in Srock et al. '329 to meet the terms of the independent claims in the present application. Accordingly, it is respectfully submitted that all of the claims patentably distinguish over the teachings of these two references and therefore the rejection under 35 U.S.C. § 103(a) should be reconsidered and withdrawn.

Newly added dependent Claims 41 and 42 are included to provide a more comprehensive scope of protection for the invention, it being noted that features related to the attachment of the tubular members, in a more limited form, have been indicated as allowable in the Office Action.

In view of the interview discussion and the foregoing amendments and remarks, reconsideration and favorable action on all of the claims is submitted as in order and respectfully requested.

Serial No. 10/633,305
Reply to Office Action
dated June 15, 2004

If there are any questions regarding this amendment or the application in general, a telephone call to the undersigned would be appreciated since this should expedite the prosecution of the application for all concerned.

If necessary to effect a timely response, this paper should be considered as a petition for an Extension of Time sufficient to effect a timely response, and please charge any deficiency in fees or credit any overpayments to Deposit Account No. 05-1323 (Docket No.: 028987.52387US).

Respectfully submitted,

September 15, 2004



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Amendments to the Drawings:

Please replace the drawings with the new set of drawings attached herewith. It being noted that Figures 4, 5, 6, and 10 were changed to include section lines per the objection to the drawings raised in the Office Action.